

House Bill 876

By: Representative Franklin of the 43<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to wiretapping, eavesdropping, surveillance, and related offenses, so as  
3 to provide a short title; to prohibit certain forms of surveillance without search warrants; to  
4 provide for exceptions; to provide an effective date; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Due Process Restoration Act."

9 **SECTION 2.**

10 Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
11 relating to wiretapping, eavesdropping, surveillance, and related offenses, is amended by  
12 adding a new Code section to read as follows:

13 "16-11-71.

14 (a) It shall be unlawful for any state or local government agency, official, or employee or  
15 agent or independent contractor of such agency to capture images of persons or property  
16 without first obtaining a search warrant from a court of competent jurisdiction to capture  
17 such images detailing the nature of the crime alleged to have been committed and the facts  
18 supporting the need to capture the image of the person or property in relation to such crime.

19 (b) This Code section shall not prohibit the use of security cameras located inside or  
20 outside government buildings or parking facilities provided that such camera is focused on  
21 the area under surveillance and has a fixed field of observation.

22 (c) This Code section shall not apply to situations in which a person gives his or her  
23 express consent to having the image of his or her person or property captured or to routine  
24 booking images and images for identification badges.

25 (d) This Code section shall not apply to cameras mounted in police vehicles for the sole  
26 purpose of recording traffic stops of persons suspected of having committed a criminal  
27 violation involving the life, liberty, or property of another person and that are used only for  
28 that purpose."

29 **SECTION 3.**

30 This Act shall become effective upon its approval by the Governor or upon its becoming law  
31 without such approval.

32 **SECTION 4.**

33 All laws and parts of laws in conflict with this Act are repealed.